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Counsel for Defendant MYERS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-09-01195-EJD
)	
Plaintiff,)	DEFENDANT MYERS' UNOPPOSED
)	MOTION TO WAIVE HIS PERSONAL
vs.)	APPEARANCE AT IDENTIFICATION OF
)	COUNSEL HEARING; [PROPOSED]
LLOYD MYERS,)	ORDER
)	
Defendant.)	<u>HON. PAUL S. GREWAL</u>
_____)	

MOTION

Defendant Lloyd Myers, by and through Assistant Federal Public Defender Varell L. Fuller, hereby moves this Court for an order waiving his presence at the October 25, 2013, identification of counsel hearing, and permitting him to appear telephonically. The government is unopposed to the defendant's request.

Mr. Myers has pled and been sentenced to 18 months imprisonment for conspiracy commit wire fraud, in violation of 18 U.S.C. § 1349. A restitution hearing is presently set in this matter for November 8, 2013. Mr. Myers is out of custody on pretrial release and lives in

1 Keaau, Hawaii. He is being supervised by Pretrial Services there, and to date he complied with
2 his pretrial release conditions.

3 This request is made on the grounds that Mr. Myers is unable to be personally present on
4 October 25, 2013, because the hearing on identification of counsel was requested by defense
5 counsel on short notice. It is anticipated that the Federal Defender will move to withdraw and
6 ask that Criminal Justice Act counsel be appointed to represent Mr. Myers.

7 Mr. Myers has been advised that the Federal Defender will be seeking to withdraw, and
8 consents to appearing by phone.

9 Dated: October 24, 2013

10
11 Respectfully submitted,

12 STEVEN G. KALAR
13 Federal Public Defender

14 _____/s/_____
15 VARELL L. FULLER
16 Assistant Federal Public Defender

17 **[PROPOSED] ORDER**

18 GOOD CAUSE APPEARING, upon unopposed motion of defendant Lloyd Myers, by
19 and through counsel, IT IS HEREBY ORDERED that Mr. Myers' personal presence at the
20 identification of counsel hearing set for October 25, 2013, is WAIVED, and he shall appear
21 telephonically.

22 IT IS SO ORDERED.

23 Dated: _____

24
25 _____
26 THE HONORABLE PAUL S. GREWAL
United States Magistrate Judge